

STANDARD FORMAT
(8/22/02)

DEPARTMENT OF LAND AND NATURAL RESOURCES
Amendments to Chapter 13-95
Hawaii Administrative Rules

(Date)

SUMMARY

1. §13-95-1 is amended.
2. §§13-95-4, 13-95-5, 13-95-6, 13-95-7, 13-95-8, 13-95-9, 13-95-10, 13-95-11, 13-95-12, 13-95-16, 13-95-51, are amended.
3. A new §13-95-1.1 is added.
4. A new §13-95-22 is added.
5. A new §13-95-23 is added.
6. A new §13-95-24 is added.
7. A new §13-95-55 is added.

"Take" means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be fished for, caught, captured, confined, or harvested, shall be construed as taking. [Eff 12/03/98; am
] (Auth: HRS §§187A-3.5, 187A-5) (Imp:
HRS §§187A-3.5, 187A-5)

§13-95-4 Aholehole. It shall be unlawful for any person to take, possess, or sell any aholehole less than five inches in length. [Eff 12/03/98; am]
(Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-95-5 Manini. It shall be unlawful for any person to take, possess, or sell any manini less than five inches in length. [Eff 12/03/98; am]
(Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-95-6 Moano. It shall be unlawful for any person to take, possess, or sell any moano less than seven inches in length. [Eff 12/03/98; am]
(Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-95-7 Kumu. It shall be unlawful for any person to take, possess, or sell any kumu less than ten inches in length. [Eff 12/03/98; am]
(Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-95-8 Mullet. (a) It shall be unlawful for any person to take, possess, or sell any mullet less than eleven inches in length.

(b) It is unlawful for any person to wilfully fish for, or attempt to take by any means whatsoever, from any of the waters within the jurisdiction of the State, or to sell, offer for sale, or have in possession any mullet during the months of December, January, February, and March; provided that any owner or operator of a fish pond may lawfully catch the young mullet known as pua during the closed season, for the purpose of stocking the owner's or operator's pond; and provided further that any owner or operator of a fish pond or any commercial marine dealer may lawfully sell pond raised mullet during the closed season after first procuring a license to do so pursuant to sections 13-74-40 or 13-74-43. [Eff 12/03/98; am] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-95-9 Awa. It shall be unlawful for any person
to take, possess, or sell any awa less than nine inches
in length. [Eff 12/03/98; am] (Auth:
HRS §187A-5) (Imp: HRS §187A-5)

§13-95-10 Oio. It shall be unlawful for any person to take, possess, or sell any oio less than fourteen inches in length. [Eff 12/03/98; am
] (Auth: HRS §187A-5) (Imp: HRS
§187A-5)

§13-95-11 Kala. It shall be unlawful for any person to take, possess, or sell any kala less than fourteen inches in length. [Eff 12/03/98; am] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-95-12 Opelu kala. It shall be unlawful for
any person to take, possess, or sell any opelu kala less
than sixteen inches in length. [Eff 12/03/98;
am] (Auth: HRS §187A-5) (Imp: HRS
§187A-5)

§13-95-16 Uhu. It shall be unlawful for any person to take, possess, or sell any uhu less than twelve inches in length. [Eff 12/03/98; am] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-95-51 Kona crab. (a) It shall be unlawful for any person to take, possess, or sell any Kona crab less than four inches in carapace length.

(b) It is unlawful for any person to take, possess, or sell any Kona crab taken from the waters within the jurisdiction of the State during the months of May, June, July, and August.

(c) The possession of any Kona crab by any person during the months of May, June, July, and August shall be prima facie evidence that the person is guilty of a violation of this section; provided that any commercial marine dealer may sell, or any hotel, restaurant, or other public eating house may serve Kona crab lawfully caught during the open season by first procuring a license to do so pursuant to section 13-74-41.

(d) It is unlawful for any person to take, possess, or sell any Kona crab while with eggs. Any Kona crab with eggs caught must immediately be returned to the waters from which the crab was taken. The possession of any Kona crab, showing indications of the eggs having been scraped or removed therefrom, shall be prima facie evidence of the violation of this section.

(e) No person shall pursue, take, or kill any Kona crab in the State with a spear.

(f) No person shall possess or sell any speared Kona crab. [Eff 12/03/98; am] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

"Aholehole" means any fish known as *Kuhlia xenura* or *Kuhlia sandvicensis* or any recognized synonym.

"Awa" means any fish known as *Chanos chanos* or any recognized synonym.

"Carapace length" means the straight line measurement from the tip of the rostrum to the middle of the trailing edge of the body or carapace, not including the tail.

"He'e" means any mollusk known as *Octopus cyanea*, *Octopus ornatus*, or any recognized synonym.

"Kala" means any fish known as *Naso unicornis*, *Naso brevirostris*, *Naso annulatus*, or any recognized synonym.

"Kona crab" means any crab known as *Ranina ranina* or any recognized synonym.

"Kumu" means any fish known as *Parupeneus porphyreus* or any recognized synonym.

"Length" means the straight line measurement from the tip of the snout to the middle of the trailing edge of the tail.

"Manini" means any fish known as *Acanthurus triostegus sandvicensis* or any recognized synonym.

"Moano" means any fish known as *Parupeneus multifaciatus* or any recognized synonym.

"Moi" means any fish known as *Polydactylus sexfilis* or any recognized synonym.

"Mullet" means any fish known as *Mugil cephalus* or any recognized synonym.

"Oio" means any fish known as *Albula glossodonta* or any recognized synonym.

"Opelu kala" means any fish known as *Naso hexacanthus* or any recognized synonym.

"Sell" means to solicit and receive an order for; to have, keep, offer, or expose for sale; to deliver for value or in any other way than purely gratuitously; to peddle; to keep for the purpose of sale; and to traffic in.

"Speared" means to capture aquatic life by stabbing with a spear or other such pointed device. The presence of any puncture wound on the external surfaces of the aquatic life, which are fresh and does not show signs of healing, shall be evidence that the aquatic life was speared.

"Slipper lobster" means any crustacean of the species *Scyllarides squammosus* or *S. haanii*, or recognized synonyms. These animals are also known as rock lobster, mole lobster, shovel-nosed lobster, or ula papapa.

"Spiny lobster" means any crustacean of the species *Panulirus penicillatus* or *P. marginatus*, or recognized synonyms. These animals are also known as lobster, Hawaiian spiny lobster, red lobster, green lobster, or ula.

"Uhu" means any fish known as *Scarus dubius*, *Scarus psittacus*, *Scarus rubroviolaceus*, *Chlorurus sordidus*, *Chlorurus perspicillatus*, or any recognized synonym.

"Ulua" means any fish known as *Caranx ignobilis*, *Caranx lugubris*, *Caranx melampygus*, *Caranx sexfasciatus*, *Carangoides equula*, *Carangoides ferdau*, *Carangoides orthogrammus*, or any recognized synonym. The young of these species are also known as papio.

"Weke" means any fish known as *Mulloidichthys flavolineatus* or any recognized synonym. These fish are also known as goatfish, yellowstripe goatfish, weke a, and the young of this fish is known as oama.

§13-95-22 Ulua. (a) It is unlawful for any person to take or possess any ulua less than ten inches in length.

(b) It is unlawful for any person to sell any ulua less than sixteen inches in length.

(c) It is unlawful for any person to take or possess more than twenty ulua measuring more than ten inches in length per day; provided that a commercial marine licensee may take, possess, and sell more than twenty such ulua; and further provided that a commercial marine dealer may possess and sell more than twenty such ulua with receipts issued for the purchase pursuant to section 189-11, Hawaii Revised Statutes. [Eff

] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

Historical Note: Chapter 87 of Title 13 was based substantially upon Regulation 19 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff 3/28/58; am 10/6/58; R 5/26/81] Section 13-95-22 is based substantially upon Chapter 87 of Title 13. [Eff 5/26/81; am 1/25/82; R]

§13-95-23 Moi. (a) It is unlawful for any person to take, possess, or sell any moi less than eleven inches in length.

(b) It is unlawful for any person to take, possess, or sell more than fifteen moi per day during September through May; provided that a commercial marine dealer may possess and sell more than fifteen moi with receipts issued for the purchase pursuant to section 189-11, Hawaii Revised Statutes.

(c) It is unlawful for any person to take, possess, or sell any moi during June, July, and August.
[Eff] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

Historical Note: Chapter 88 of Title 13 was based substantially upon Regulation 20 [Eff: 3/20/58; am 10/6/58; am 7/9/59; am 5/4/68; R 5/26/81] and Regulation 21 [Eff: 3/28/58; am 10/6/58; am 7/9/59; R 5/26/81] of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. Section 13-95-23 is based substantially upon Chapter 88 of Title 13. [Eff 5/26/81; am and comp 12/20/86; R]

§13-95-24 Weke. (a) It is unlawful for any person to take or possess more than fifty weke less than seven inches in length per day.

(b) It is unlawful for any person to sell any weke less than seven inches in length. [Eff]
(Auth: HRS §187A-5) (Imp: HRS §187A-5)

Historical Note: Chapter 88 of Title 13 was based substantially upon Regulation 20 [Eff: 3/20/58; am 10/6/58; am 7/9/59; am 5/4/68; R 5/26/81] and Regulation 21 [Eff: 3/28/58; am 10/6/58; am 7/9/59; R 5/26/81] of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. Section 13-95-24 is based substantially upon Chapter 88 of Title 13. [Eff 5/26/81; am and comp 12/20/86; R]

§13-95-55 He'e. It shall be unlawful for any person to take, possess, or sell any he'e less than one pound in weight. [Eff:] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

Historical Note: Chapter 86 of Title 13 was based substantially upon Regulation 18 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 3/28/58; am 10/6/58; R 5/26/81] Section 13-95-55 is based substantially upon Chapter 86 of Title 13 [Eff 5/26/81; R].

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to chapter 13-95, Hawaii Administrative Rules, on the Summary Page dated _____ was adopted on _____, following Statewide public hearings held in Kaunakakai, Molokai on June 13, 2002; in Lanai City, Lanai on June 18, 2002; in Kailua-Kona on June 25, 2002, in Hilo on June 27, 2002, in Lihue on July 2, 2002; in Kahului, Maui on July 9, 2002, and in Waianae, Oahu on July 11, 2002 and in Honolulu on July 16, 2002 after public notice was given in the Honolulu Advertiser, West Hawaii Today, Hawaii Tribune-Hearld, Maui News, and Garden Island on Sunday, May 5, 2002.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

GILBERT S. COLOMA-AGARAN
Chairperson
Department of Land and Natural
Resources

APPROVED AS TO FORM:

Deputy Attorney General